

REMARKS

The Office Action dated October 22, 2003 presents the examination of claims 1-6, 10-12, and 14. Claims 7, 13, and 15 are withdrawn from consideration. Claims 3 and 5 are canceled herein. Claim 1 is amended. Support for the amendments to claim 1 is found in former claims 3 and 5, and in the specification, such as on page 14, line 23 to page 15, line 3. Claims 16 and 17 are added. Support for claim 16 is found on page 11, lines 3-7 of the specification. Claim 17 is supported by, for example, page 13, lines 20-23 and page 15, lines 4-8 of the specification. No new matter is inserted into the application.

Rejections under 35 U.S.C. §§ 102/103

Effenberger '223

The Examiner rejects claims 1-2, 4, 6, 10-11, and 14 under 35 U.S.C. § 102(e) for allegedly being anticipated by, or under 35 U.S.C. § 103(a) for allegedly being obvious over Effenberger '223. Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

Effenberger '223 discloses blended solid compositions containing a PTFE polymer in an essentially unfibrillated state and at least one elastomeric and/or fluoroelastomer component.

As noted by the Examiner, Effenberger '223 fails to disclose or suggest adding the mixture of mutually soluble components as a solid solution or a melt. This feature of the present invention is recited in the amended claim 1. In addition, Effenberger '223 fails to disclose that the step of drying the coagulate while kneading is conducted in an extruder, as recited in the instant claim 1.

Therefore, Effenberger '223 fails to disclose or suggest each and every feature of the instant claims. Withdrawal of the instant rejection is respectfully requested.

Tang '616 in view of Effenberger '223

The Examiner rejects claims 1-2, 4, 6, 10-11, and 14 under 35 U.S.C. § 103(a) for allegedly being obvious over Tang '616 (U.S. Patent 3,876,616, optionally in view of Effenberger '223. Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

Tang '616 discloses a method for wet blending fluoroelastomer compositions. As noted by the Examiner, Tang '616 also fails to disclose or suggest adding the mixture of mutually soluble components as a solid solution or a melt, or that the step of drying the coagulate while kneading is conducted in an extruder.

These features of the present invention are recited in the amended claim 1. Effenberger '223 fails to make up for these deficiencies, as noted above.

Therefore, Tang '616 and Effenberger '223 fail to disclose or suggest each and every feature of the instant claims. Withdrawal of the instant rejection is respectfully requested.

Covington '845

The Examiner rejects claims 1-6, 11, and 14 under 35 U.S.C. § 102(b) for allegedly being anticipated by Covington '845 (U.S. Patent 4,132,845). Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

Covington '845 discloses a method and apparatus for isolating an elastomer from a mixture of elastomer and water, by feeding the mixture through a vertical separator containing a rotating screw. The present invention differs from Covington '845 in that both steps of dehydration (in which water is squeezed out from the coagulate) and drying are conducted in an extruder. These features of the present invention are recited in the amended claim 1. In contrast to the present invention, the dehydration step of Covington '845 is

conducted in the vertical separator. Thus, Covington '845 fails to disclose or suggest each and every feature of claim 1.

Further, the vertical separator of Covington '845 is completely distinguishable from the extruder of the present invention. Specifically, the vertical separator of Covington '845 has the defect in that the coagulate easily clogs up the vertical separator (that is, stops up at a lower part of the vertical separator). The extruder of the present invention does not have such a defect. Covington '845 fails to appreciate this defect in his invention and therefore the skilled artisan has no motivation to utilize an extruder instead of the vertical separator.

For the above reasons, Covington '845 fails to anticipate or render the instant claims obvious. Withdrawal of the instant rejection is respectfully requested.

EP '877 in view of Effenberger '223 or Covington '845

The Examiner rejects claims 1-2, 4, 6, 10-11, and 14 under 35 U.S.C. § 103(a) for allegedly being obvious over EP '877 (EP 0 684 276 A1) in view of Effenberger '223 or Covington '845. Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

EP '877 discloses an elastic fluoropolymer and processes for making the same. EP '877 and Effenberger '223 fail to disclose or suggest adding the mixture of mutually soluble components as a solid solution or a melt, or that the step of drying the coagulate while kneading is conducted in an extruder.

Covington '845 also fails to make up for the deficiencies of EP '877 and Effenberger '223. As noted above, the present invention differs from Covington '845 in that both steps of dehydration (in which water is squeezed out from the coagulate) and drying are conducted in an extruder. In contrast to the present invention, the dehydration step of Covington '845 is conducted in the vertical separator.

For the above reasons, EP '877 in view of Effenberger '223 or Covington '845 fails to anticipate or render the instant claims obvious. Withdrawal of the instant rejection is respectfully requested.

Effenberger '223 or Tang '616 in view of Effenberger '223, further in view of EP '877, EP '276, and Covington '845

The Examiner rejects claims 1-6, 10-12, and 14 under 35 U.S.C. § 103(a) for allegedly being obvious over (i) Effenberger '223 or (ii) Tang '616 in view of Effenberger '223, and further in view of

EP '877, EP '276 (EP 0 796 877 A1), and Covington '845. Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

The combination of references cited by the Examiner fails to render the instant claims obvious. As noted above, the present invention differs from the cited references in that both steps of dehydration (in which water is squeezed out from the coagulate) and drying are conducted in an extruder. None of Effenberger '223, Tang '616, EP '877, or EP '276 disclose or suggest that the step of drying the coagulate while kneading is conducted in an extruder. Further, none of Effenberger '223, Tang '616, EP '877, EP '276, or Covington '845 disclose or suggest a step of dehydration (in which water is squeezed out from the coagulate) conducted in an extruder. In contrast, the dehydration step of Covington '845 is conducted in the vertical separator.

For the above reasons, the combination of references fails to anticipate or render the instant claims obvious. Withdrawal of the instant rejection is respectfully requested.

Covington '845 in view of EP '877

The Examiner rejects claims 1-6, 11-12, and 14 under 35 U.S.C. § 103(a) for allegedly being obvious over Covington '845 further in

view of EP '877. Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

As noted above, the present invention differs from Covington '845 in that both steps of dehydration (in which water is squeezed out from the coagulate) and drying are conducted in an extruder whereas the dehydration step of Covington '845 is conducted in the vertical separator. The processes disclosed by EP '877 are merely conventional processes and do not make up for the deficiencies of Covington '845.

For the above reasons, Covington '845 further in view of EP '877 fails to anticipate or render the instant claims obvious. Withdrawal of the instant rejection is respectfully requested.

Conclusion

Applicants respectfully submit that the above remarks and/or amendments fully address and overcome the outstanding rejections and objections. For the foregoing reasons, Applicants respectfully request the Examiner to withdraw all of the outstanding rejections and objections, and to issue a Notice of Allowance indicating the patentability of the present claims. Early and favorable action of

the merits of the present application is thereby respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of one (1) month to Sunday, February 22, 2004, in which to file a reply to the Office Action. The required fee of \$110.00 is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

Appl. No. 10/069,940

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868

¹⁴²
ADM/KLR
0020-4963P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000